

**QUINN EMANUEL URQUHART & SULLIVAN LLP**

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*Co-Counsel for Marc S. Kirschner, as Litigation  
Trustee of the Highland Litigation Sub-Trust*

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION TRUSTEE  
OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA; SCOTT  
ELLINGTON; ISAAC LEVENTON; GRANT JAMES  
SCOTT III; FRANK WATERHOUSE; STRAND  
ADVISORS, INC.; NEXPOINT ADVISORS, L.P.;  
HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.; DUGABOY INVESTMENT TRUST  
AND NANCY DONDERO, AS TRUSTEE OF  
DUGABOY INVESTMENT TRUST; GET GOOD  
TRUST AND GRANT JAMES SCOTT III, AS  
TRUSTEE OF GET GOOD TRUST; HUNTER  
MOUNTAIN INVESTMENT TRUST; MARK &  
PAMELA OKADA FAMILY TRUST – EXEMPT  
TRUST #1 AND LAWRENCE TONOMURA AS  
TRUSTEE OF MARK & PAMELA OKADA FAMILY  
TRUST – EXEMPT TRUST #1; MARK & PAMELA  
OKADA FAMILY TRUST – EXEMPT TRUST #2

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

<sup>1</sup> The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

AND LAWRENCE TONOMURA IN HIS CAPACITY AS TRUSTEE OF MARK & PAMELA OKADA FAMILY TRUST – EXEMPT TRUST #2; CLO HOLDCO, LTD.; CHARITABLE DAF HOLDCO, LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND DALLAS FOUNDATION; RAND PE FUND I, LP, SERIES 1; MASSAND CAPITAL, LLC; MASSAND CAPITAL, INC.; SAS ASSET RECOVERY, LTD.; AND CPCM, LLC,

Defendants.

**NOTICE OF APPEARANCE AND REQUEST FOR SERVICE**

**PLEASE TAKE NOTICE** that the below attorneys of Quinn Emanuel Urquhart & Sullivan LLP hereby enter an appearance (the “Notice of Appearance”) on behalf of Marc S. Kirschner (the “Litigation Trustee”) in the above-captioned adversary proceeding (the “Adversary Proceeding”) pursuant to Rules 2002, 3017, 9007 and 9010 of the Bankruptcy Rules and request that copies of all notices, pleadings given or filed in this case, be given and served upon it at the following address, e-mail, and telephone number:

Deborah J. Newman, Esq.  
deborahnewman@quinnemanuel.com  
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**PLEASE TAKE FURTHER NOTICE** that the foregoing demand includes not only the notices and papers referred to in the Bankruptcy Rules specified above but also includes, without limitation, any notice, application, complaint, demand, motion, petition, pleading, or request,

whether formal or informal, written or oral, and whether transmitted or conveyed by mail, delivery, telephone, telegraph, telex, or otherwise filed or given with regard to the above-referenced Adversary Proceeding.

**PLEASE TAKE FURTHER NOTICE** that neither this Notice of Appearance nor any subsequent appearance, pleading, claim, or suit is intended or shall be deemed or construed as a waiver of any right of the Litigation Trustee (i) to have final orders in non-core matters entered only after *de novo* review by a district judge; (ii) to trial by jury in any proceeding so triable herein or in any case, controversy, or proceeding related hereto; (iii) to have the reference withdrawn by the United States District Court in any matter subject to mandatory or discretionary withdrawal; or (iv) to other rights, claims, actions, defenses, setoffs, or recoupments to which the Litigation Trustee is or may be entitled under agreements, in law, or in equity.

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Dated: March 2, 2022

Respectfully submitted,

**SIDLEY AUSTIN LLP**

/s/ Paige Holden Montgomery

Paige Holden Montgomery

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-and-

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*Counsel for the Marc. S. Kirschner, as  
Litigation Trustee of the Highland Litigation  
Sub-Trust*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail via the Court's ECF system to parties authorized to receive electronic notice in this case on March 2, 2022.

/s/ Paige Holden Montgomery  
Paige Holden Montgomery